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HOUSE BILL 966

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Gail Chasey

AN ACT

RELATING TO CRIME VICTIMS; PROVIDING COLLEGE TUITION ASSISTANCE
TO CHILDREN AND SPOUSES OF HOMICIDE VICTIMS; PROVIDING A
MAXIMUM REPARATION AWARD TO THE FAMILY OF A HOMICIDE VICTIM;
MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-22-9 NMSA 1978 (being Laws 1981,
Chapter 325, Section 9, as amended) is amended to read:

"31-22-9. AWARD OF REPARATION--TUITION ASSISTANCE.--

A. The commission may order payment of reparation
for:

~~[A.]~~ (1) expenses actually and reasonably
incurred as a result of the victim's injury or death;

~~[B.]~~ (2) loss to the victim of earning power
as a result of total or partial incapacity;

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1 [~~G-~~] (3) any other pecuniary loss directly
2 resulting from the victim's injury or death [~~which~~] that the
3 commission determines to be reasonable and proper; and

4 [~~D-~~] (4) any expenses incurred for
5 rehabilitation services provided to a victim of child abuse or
6 neglect, including child sexual abuse, but awards made pursuant
7 to this [~~subsection~~] paragraph shall be made directly to the
8 provider of the rehabilitation services for payment of those
9 services.

10 B. The commission may order payment of tuition to
11 post-secondary educational institutions on behalf of children,
12 adult children and spouses of homicide victims pursuant to
13 guidelines established by the commission."

14 Section 2. Section 31-22-14 NMSA 1978 (being Laws 1981,
15 Chapter 325, Section 14, as amended) is amended to read:

16 "31-22-14. LIMITATIONS ON AWARD--COLLATERAL RECOVERY--
17 PRELIMINARY AWARD.--

18 A. No order for the payment of reparation shall be
19 made unless application has been made within two years after
20 the date of the injury or death and the injury or death was the
21 result of a crime enumerated in Section 31-22-8 NMSA 1978 that
22 had been reported to the police within thirty days after its
23 occurrence unless a longer period is allowed pursuant to
24 Subsection F of this section. In no event shall reparation be
25 given unless application has been made within two years after

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1 the injury or death, except for minors who are victims of
2 criminal activity under the provisions of Section 30-6-1 NMSA
3 1978, regarding abandonment or abuse of a child, Section
4 30-9-11 NMSA 1978, regarding criminal sexual penetration, or
5 Section 30-9-13 NMSA 1978, regarding criminal sexual contact of
6 a minor. The date of incident for minors who are victims of
7 these types of criminal activity shall be the date the victim
8 attains the age of eighteen years or the date that the criminal
9 activity is reported to a law enforcement agency, whichever
10 occurs first.

11 B. No award of reparation shall be in excess of
12 twenty thousand dollars (\$20,000) per victim [~~except that~~] or
13 fifty thousand dollars (\$50,000) per family of a homicide
14 victim. The commission may award up to an additional thirty
15 thousand dollars (\$30,000) for extraordinary pecuniary losses,
16 if the personal injury to a victim is catastrophic and results
17 in a permanent total disability. The extraordinary losses
18 compensated may include:

- 19 (1) loss of wages;
20 (2) the cost of home health care;
21 (3) the cost of making a home or automobile
22 accessible;
23 (4) the cost of training in the use of special
24 application; or
25 (5) job training.

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1 C. Except as provided by Subsection E of this
2 section, the commission shall deduct from any reparation
3 awarded any payments received from a collateral source or from
4 the United States or the state or any of its political
5 subdivisions for injury or death subject to reparation under
6 the Crime Victims Reparation Act. If the claimant receives an
7 award of reparation from the commission and also receives
8 payment as set forth in the preceding sentence for which no
9 deduction was made, the claimant shall refund to the state the
10 lesser of the amount of reparation paid or the sums not so
11 deducted.

12 D. If the claimant receives an award of reparation
13 from the commission and also receives an award pursuant to a
14 civil judgment arising from a criminal occurrence for which a
15 reparation award was paid, the claimant shall refund to the
16 state the amount of the reparation paid to [~~him~~] the claimant.
17 The commission may negotiate a reasonable settlement regarding
18 repayment of the reparation award if special circumstances
19 exist.

20 E. If it appears that a final award of reparation
21 will be made by the commission, a preliminary award may be
22 authorized by the director of the commission or the
23 commission's designee when the commission [~~chairman~~] chair
24 concurs. The amount of the preliminary award shall be deducted
25 from any final award made by the commission.

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1 F. The commission may grant a waiver to the
2 requirement in Subsection A of this section that a crime be
3 reported to the police within thirty days of its occurrence
4 for:

5 (1) a victim of domestic violence or sexual
6 assault if reported to the police within one hundred eighty
7 days of the occurrence; or

8 (2) a crime against a child that was reported
9 within thirty days of its occurrence to the children, youth and
10 families department, a domestic violence or sexual assault
11 service provider, a teacher or a health care provider; provided
12 that a police report shall be filed before the commission
13 approves payment."

14 Section 3. APPROPRIATION.--Six hundred thousand dollars
15 (\$600,000) is appropriated from the general fund to the crime
16 victims reparation fund for expenditure in fiscal years 2008
17 and 2009 in accordance with the provisions of the Crime Victims
18 Reparation Act. Any unexpended or unencumbered balance
19 remaining at the end of fiscal year 2009 shall revert to the
20 general fund.

21 Section 4. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2007.